

Managing Cultural Differences in an International Organization Conflict Management System

David Miller*

Conflict management requires recognition that conflict is occurring; however, often there is no such recognition. Boundaries are frequently violated, behaviorally or verbally, by apparent abusers, harassers, or aggressors unaware of the effects of their actions. And, some people perceive no constraint on their actions. Also, sometimes those who are injured are not able to understand—or find it hard to name—what has happened. They may not be able to imagine any option for response (see the accompanying Case). Conflict management, therefore, requires common recognition of principles, standards, or codes in which conflict is characterized, and from which solutions, resolutions, or remedies may be found.

In organizations¹ founded on the engagement of all cultures and peoples—in the United Nations’ organizations these are “member states”—and in private or public corporations with international constituencies and offices, conflict management necessitates an architecture of principles upon which, by common assent, behavioral boundaries can be asserted and, from which, behavioral violations of those boundaries can be inferred and characterized. These principles should embody elements that persons of all cultures can recognize, understand, and to which they may legitimately aspire. These principles should be reasonably achievable on an individual level. These principles should also inform and guide the various elements of a conflict management system (CMS)—see the attached chart for examples. The principles are also necessary to enable coordination of such functions into a coherent and functional *system*.

* Staff Ombudsman, World Health Organization

1. What is an International Organization? For the purposes of this paper, it is an organization that operates in multiple national, cultural and geographical settings, or in a setting where people from multiple cultures work together, e.g., an organization that has an internationally-recruited workforce operating in one country. In this sense many major universities have become international organizations.

In 1954, the International Civil Service Advisory Board published the “Standards of Conduct in the International Civil Service” (“the Standards”) with the intention that they,

“. . . become an indispensable part of the culture and heritage of the [participating specialised and related agencies participating in the UN Common System and other] organizations. . .”²

As described on their website,

“The International Civil Service Commission (ICSC) is an independent expert body established by the United Nations General Assembly. Its mandate is to regulate and coordinate the conditions of service of staff in the United Nations common system, while promoting and maintaining high standards in the international civil service. The Commission is composed of fifteen members who serve in their personal capacity. They are appointed by the General Assembly for four-year terms, with due regard for broad geographical representation. The Chairman and the Vice-Chairman are full-time members and are based in New York. The full Commission meets twice a year.”³

The 1954 Standards were updated and completed in 2001, following a three-year process of review in consultation with participating organizations and staff representatives and, following acceptance by the United Nations General Assembly (resolution 56/244), the Standards were then re-published in 2002.

In the preamble of the 2001 revision, it is stated that the Standards are based on the aim of the United Nations and the specialized agencies “. . .to save succeeding generations from the scourge of war and to enable every man, woman, and child to live in dignity and freedom.”⁴ The preamble adds that

“. . .international civil servants have a special calling: to serve the ideals of peace, of respect for fundamental rights, of economic and social progress, and of international cooperation. It is therefore incumbent on international civil servants to adhere to the highest standards of conduct. . .”⁵

Among the guiding principles then explicated are those values

2. INTERNATIONAL CIVIL SERVICE ADVISORY BOARD, STANDARDS OF CONDUCT FOR THE INTERNATIONAL CIVIL SERVICE 1 (2002), available at <http://icsc.un.org/resources/pdfs/general/standardse.pdf>.

3. ICSC: About the Commission, <http://icsc.un.org/about.asp> (last visited Apr. 29, 2009).

4. STANDARDS OF CONDUCT, *supra* note 2, at ¶ 1.

5. *Id.* at ¶ 2.

“enshrined in the United Nations organizations [that must] . . . guide international civil servants in all their actions: fundamental human rights, social justice, the dignity and worth of the human person and respect for the equal rights of men and women of nations great and small.”⁶

Additional guiding principles include: loyalty to the vision of organizations of which the person is a part;⁷ integrity (“ . . . qualities such as honesty, truthfulness, impartiality and incorruptibility”);⁸ impartiality;⁹ tolerance and understanding (“ . . . respect all persons equally, without any distinction whatsoever”) which, “ . . . in a multicultural setting calls for a positive affirmation going well beyond passive acceptance”;¹⁰ “international loyalty”;¹¹ and an “international outlook”, implying,

“ . . . respect for the right of others to hold different points of view and follow different cultural patterns. It requires a willingness to work without bias with persons of all nationalities, religions and cultures. . . It requires punctilious avoidance of any expressions that could be interpreted as biased or intolerant. . . International civil servants should not be wedded to the attitudes, working methods or work habits of their own country or region.”¹²

Although the Standards describe expectations for the conduct of international civil servants, international organizations also have internal *policies* determined by member states, and staff *rules* determined by their executive heads. These policies and rules move from general, aspirational statements—as in the Standards—to specific procedures for administrative decisions. The Standards are designed to apply equally to all staff, irrespective of grade or seniority.

Consequently, cultures and nationalities are not formally recognized in delivery of administrative decisions or the application of conflict management systems. Instead, international organizations recognize international civil servants commonly bound by the Standards and equally subject to the policies and rules of the organizations.

The Standards form a foundation of values upon which issues raised in conflict management may be assessed and addressed. The

6. *Id.* at ¶ 3.

7. *Id.* at ¶ 4.

8. *Id.* at ¶ 5.

9. *Id.* at ¶ ¶ 8-9.

10. *Id.* at ¶ 6.

11. *Id.* at ¶ 7.

12. *Id.* at ¶ 13.

Standards provide boundaries and parameters for acceptable conduct and, because they speak to allegedly universal values (i.e., culturally non-specific values which are also the basis for common law in many countries) they act as a referent for both the construction of conflict management systems (“CMS”) and for the subsequent conduct of each of the CMS elements. The Standards are the platform for administrative decisions occurring in the context of policies and rules of each institution. These Standards may also provide parameters within which options for conflict management may be rehearsed, including within the Office of the Ombudsman.

CHALLENGES TO IMPLEMENTATION

- i. **Contractual differences.** One of the signal challenges to implementation of CMS based on the Standards is the diversity of conditions under which people are employed within organizations, and across organizations. Differing contracts—e.g., short-term versus fixed-term, three months to five years, with or without educational and health benefits—lead to differing levels of dependence and thus very different power dynamics within disputes.
- ii. **Logistics.** Offices in some organizations have colleagues working in different languages, and the base language varies across regions. The question of language may limit access to “being heard” at a headquarters or regional office. **Access** to internal justice mechanisms varies according to grade and seniority, simply because such considerations can determine access to information and to technology (e.g., the use of email to reach a CMS located in another time-zone). **Time zones** are another challenge, e.g., if the CMS is directly reachable by telephone only at the end of a local working day and at the very start of the CMS office’s working day.
- iii. **Expectations** of staff versus priorities of the organization. Inconsistencies may be evident, in the application of appropriate internal justice procedures or responses to demonstrated misconduct or mismanagement, according to political or programmatic considerations, or simply according to conditions on the ground at the time of the alleged incidents.
- iv. **Awareness of options.** Staff in different locations may have very different understandings of or information about

their rights in respect of access to CMS options. This includes informal options such as recourse to the Office of the Ombudsman, particularly where contractual arrangements are diverse and language may act as a barrier. Many international organizations are addressing this issue by provision of mandatory training (and, in some instances, certification) of all staff on the Standards. Hierarchy in organizations may also act as a barrier to accessing available options, e.g., where access to communications technology is at the discretion of a problematic supervisor.

v. The range of potential internal and external actors. It is axiomatic for organizations within the broader United Nations family that equity and rights-based approaches underlie our work. Following a rights-based process for dispute resolution may require the involvement of multiple partners and players. For example, in the context of the attached Case, the range of *internal* potential actors may include at least the following:

- Internal security services
- Human Resources department
- Chief Executive's Office
- Legal Department
- Internal Oversight Service (equivalent to OIG)
- Health and Medical Services
- Counselling and Psychological Services
- Protocol and External Affairs Office
- Directly and indirectly affected colleagues
- Staff Association
- Ombudsman
- The Executive Board of Member States

External potential actors may include at least the following:

- National police and/or security services
- National diplomatic missions
- Hospitals and medical/health practitioners
- Government departments of member states, including, e.g., health, foreign affairs, defence, and finance
- Social organizations and cultural groups
- Private legal representatives
- The media

Consequently, questions arising for the appropriate implementation of an ethical, just, and humane response to conflicts — such

as may be presented in the attached Case — include the following:

- What are the legal obligations on managing the issues? (for example, diplomatic immunity and its waiver);
 - What lessons from previous experiences does the organization have to help manage such situations? (for example, ensuring timely staff care and support, what precedents are involved, what led to ‘successful’ or least damaging outcomes in the past);
 - How is a balance struck between the interests of the individuals involved, and those of the organization? (for example, ensuring the safety of all who may be affected, and mitigating organizational vulnerability—if, for example, the protagonists are nationally highly regarded and highly visible emissaries from an important donor country);
 - How can the situation be addressed expeditiously? (considering, for example, the impact of armed conflict, of time zones, of language, of religion, multiple administrations, multiple actors, multiple cultures, multiple agendas, of committees);
 - How can responses be coordinated without compromising the confidentiality of the staff involved, the independence of the Ombudsman Office, the reputations of all elements, the relevant Standards of Conduct and the law?
 - How does the organization characterise and represent the issue to itself, its constituencies, and how does it demonstrate the values and culture it espouses, in doing so?
- vi. The impact of culture.** All parties may be cognizant of the Standards, but behavior is interpreted through cultural lenses and these will vary considerably. At the very least, conflict management requires an Organizational Ombudsman to be sensitive to how culture may affect the perceptions and behaviour of those involved. Nevertheless, in the contexts of international organizations in the United Nations family, staff have, in a practical, work-based sense, subordinated their culture to the Standards-based values—and resulting organizational culture—of their employer. Accordingly, in the context of international organization conflict management systems, the norms of national cultures no longer constitute a defence of untoward behavior.

HOW CAN AN ORGANIZATIONAL OMBUDSMAN ADD VALUE TO A CMS IN SUCH CIRCUMSTANCES?

As explicated in the accompanying article by Mary Rowe, an Ombudsman Office can add significant value in *dealing with conflict and learning from conflict*, rather than aiming simply at finding a single resolution, or containing fallout. Ombudsman interventions can help healing by enabling organizations—at an institutional level—to reassert and model core values that problem-solving or dispute resolution alone might not address. These values may—like those embodied in the Standards—reflect *ineffables*: dignity, genuine respect, trust, motivation, pride, to name a few.

Indeed, by their adoption by international organizations under the United Nations family umbrella, the Standards form a foundation of values, and sets boundaries for acceptable behavior. This platform enables Organizational Ombudsmen to refer to those values *as well as to* the policies and rules governing organizational conduct. Each office of the CMS suggested in the list of “Some Conflict Management Offices” in the attached Chart may use the same platform. And, as Rowe’s article highlights, Organizational Ombudsmen may help the other offices to work for ethical, just and timely conflict management.

But an additional and crucial consideration is whether the organization has the maturity genuinely to integrate an Ombudsman function genuinely within its structures. Will it be able to use an Ombudsman office in addressing situations that may result—in the short term—in possibly uncomfortable levels of necessary self-reflection? Organizational Ombudsmen have significant added value in such circumstances—and they may also *create* the circumstances in which the organization can effectively respond—because they:

- Work on the basis of International Ombudsman Association professional standards of practice and ethical principles which give priority to independence, neutrality and impartiality, confidentiality and informality¹³
- Can facilitate informal responses
- Are truth-tellers to the organizations
- Have principles for conduct and practice that protect those we serve (see below)

13. See INTERNATIONAL OMBUDSMAN ASSOCIATION, CODE OF ETHICS 1 (Rev. 1/2007), available at http://www.ombudsassociation.org/standards/Code_Ethics_1-07.pdf; INTERNATIONAL OMBUDSMAN ASSOCIATION, STANDARDS OF PRACTICE 1 (Rev. 12/2006), available at http://www.ombudsassociation.org/standards/Stds_Practice_1-07.pdf.

- Can keep the temperature low for all parties
- Can work with all the above-named, internal actors equally and alike.

ADDITIONAL OBSERVATIONS

Conflict management systems are not linear, either in design or in practice — most usually evolve through trial-and-error and/or as circumstances dictate. It is not uncommon to hear Organizational Ombudsmen and other experienced practitioners in conflict management confess that many of their tools are constructed on an ad-hoc basis.

“Designing” a system to deal with conflict therefore has an inherent contradiction—that much of what causes conflict is novel. Dispute system design, while having much to learn from a wide diversity of traditions and bodies of research scholarship in fields of anthropology, psychology, sociology, theology, and law (to name but a few) continues to fascinate because it is constantly being challenged by new experience. It may fittingly be said that we are in the early adolescence of CMS design, in all sectors.

In addition, in *implementing* conflict management systems in many international organizational settings, a number of key issues are still the subject of exploration and experimentation:

- How to establish accountability for CMS, and Ombudsman practice;
- How to implement evaluation of efficacy and impact without compromising independence;
- How to identify the universalities in practice, and to assert standards in implementing these;
- How to define and assert boundaries with key partners in CMS;
- How to demonstrate that our constituencies can trust us;
- How to decide *who* makes the decisions about all of the above—again, without compromising independence, neutrality, confidentiality, and, for the Ombudsman, informality.